



CONGRESSMAN JIM SENSENBRENNER NEWS FROM CONGRESS

NUMBER 147 -- JUNE 1998

VICTORY FOR SMALL BUSINESS

Do you choose your local florist because the owner has the radio turned on? When you go to the dentist, are you there to listen to the radio he may have turned on in his office? I would argue, and most would agree, that one goes to the florist to buy flowers, and no radio ever made anyone *want* to go to the dentist. Under current law, playing even the smallest snippet of copyrighted music from radio or TV programming requires small businesses to buy expensive licenses from monopolistic music licensing societies.

I have been fighting to change this law for years through my legislation, H.R. 789, **the Fairness in Music Licensing Act**. I am delighted to report that earlier this spring, the **Sensenbrenner Amendment**, including the basic tenets of my bill, passed overwhelmingly on the House floor by a vote of 297-112.

ASCAP and BMI, the two major music licensing societies, control the vast majority of copyrighted music in the United States. Even though copyrighted material appears in commercial advertisements and other programming over which a proprietor has no control, not buying a license from these organizations could place that proprietor in violation of federal law.

If owners dispute the fees, they are forced to go to a rate court in New York City and hire a New York attorney to help settle the dispute. Very few small businesses can afford to challenge ASCAP or BMI and their litigation warchests, so they are effectively coerced into buying the license at whatever rate is imposed upon them.

Even television retailers are forced to ante up to the licensing societies for turning on a TV on the showroom floor. To charge a fee so a salesperson can demonstrate to a potential customer that the product works strikes me as unreasonable.

This unfair situation is the product of the complexities of copyright law and the terms of the federal decrees governing the organizations that collect and disperse royalties to songwriters.

This is a remarkable accomplishment given the obstacles music licensing fairness supporters face.

The powerful entertainment industry vigorously opposed the amendment and lobbied heavily to see it defeated, including parading celebrities before Congress. In spite of the other side's star power, we were able to assemble grass roots support for the amendment from America's small businesses. The voice of Main Street overcame Hollywood Boulevard! This is the way the system is supposed to work and everyone involved in the effort, including the Wisconsin Tavern League, the National Restaurant Association, and the National Federation of Independent Business, deserves praise for their hard work.

My amendment levels the playing field by exempting most small businesses from licensing fees altogether for over-the-air broadcasts of music on radio or television. Secondly, the amendment provides for local binding arbitration so small businesses are not faced with having to spend thousands of dollars to fight the licensing societies in New York. The amendment also exempts television retailers from licensing requirements. Lastly, the amendment exempts certain auditorium and convention center owners from liability for copyright infringements by tenants or exhibitors using their facility. This provision simply says the individual responsible for a violation ought to be held liable.

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REMINDER...

OFFICE HOURS
AND
TOWN HALL
MEETINGS

...SEE SCHEDULE
PAGES 3 & 4

KEY VOTES

H.R. 424: INCREASED PENALTIES FOR CRIMINALS

Provides for additional mandatory sentences for use or possession of a firearm during the commission of a violent and/or drug trafficking crime.

REP. SENSENBRENNER SUPPORTED – PENDING IN SENATE

H.R. 1122: THE PARTIAL BIRTH ABORTION BAN ACT

Prohibits physicians from utilizing the gruesome and unnecessary partial birth abortion procedure.

REP. SENSENBRENNER SUPPORTED – VETOED BY PRESIDENT CLINTON

H.R. 2646: EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Expands Education Savings Accounts (ESA) to allow parents to use the funds for K-12 educational expenses such as tuition, tutoring, transportation, uniforms, computers and books at any school – public, private, sectarian or home. An ESA can accumulate up to \$2,000 per year in after-tax dollars and interest and withdrawals for education expenses are tax-free.

REP. SENSENBRENNER SUPPORTED – CURRENTLY IN HOUSE – SENATE CONFERENCE

H.R. 2400: TRANSPORTATION REAUTHORIZATION

Authorizes \$217 billion in federal assistance for FY1998 through FY2003, \$34 billion above the 1997 budget agreement, to fund the nation's highway, transit, surface transportation research, highway safety, and motor carrier safety programs.

REP. SENSENBRENNER OPPOSED – CURRENTLY IN CONFERENCE COMMITTEE

H.R. 867: THE ADOPTION PROMOTION ACT

Streamlines the cumbersome adoption process of foster children to ensure that more vulnerable children are taken out of harm's way and placed in permanent, stable, and loving homes.

REP. SENSENBRENNER SUPPORTED – SIGNED BY PRESIDENT CLINTON

H.R. 6: HIGHER EDUCATION AMENDMENTS OF 1998:

Reauthorize several existing programs and provide federal aid to students and institutions of higher education. The bill cuts federal bureaucracy and focuses on expanding education opportunities for low and moderate-income students.

REP. SENSENBRENNER SUPPORTED – PENDING IN SENATE

This year Wisconsin celebrates the 150th anniversary of its statehood. As Wisconsin's citizens celebrate their proud heritage at home, the nation, too, will wish Wisconsin a happy birthday here in Washington. Wisconsin will be the spotlighted state at this year's annual Smithsonian Institution Festival of American Folklife. The festival will run from June 24-28 and July 1-5 on the Mall in Washington, and will include more than 100 Wisconsin exhibits. Each exhibit will give fellow Americans an opportunity to learn about our state's rich heritage. From August 20-23, the festival will be restaged in Madison with additional exhibits and participants, affording people throughout the state the chance to celebrate without leaving home. **Pictured above: the United States Postal Service's Wisconsin Sesquicentennial stamp issued May 29, 1998 in Madison to commemorate the 150th anniversary of Wisconsin statehood.** ■

*"Federal election laws prohibit me from sending mass mailings after June 11 this election year. This will be my final newsletter of 1998, but it is still important to me to know **your** views. Please keep the cards and letters coming so I may better serve you here in Washington."*

FLAGS FLOWN OVER THE U.S. CAPITOL

A new United States flag with a personally signed certificate marking the day it flew over the U.S. Capitol is available at cost (including postage) from my Washington office. If you would like to order, please make your check or money order payable to "**SENSENBRENNER OFFICE SUPPLY ACCOUNT**" and send it along with this order form to the address below. Please allow 4 to 8 weeks for processing and delivery of your order. These prices are guaranteed only through July 15, 1998. After that date, prices are subject to change. Limit 3 per household.

| Number | Size | Price | Total |
|-------------|---------------|---------|-------|
| | 3' x 5' nylon | \$13.94 | \$ |
| | 4' x 6' nylon | \$16.93 | \$ |
| | 5' x 8' nylon | \$21.69 | \$ |
| Grand Total | | | \$ |

NAME _____
 ADDRESS _____
 CITY/STATE/ZIP _____

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SENSENBRENNER OFFICE SUPPLY ACCOUNT
 2332 Rayburn House Office Building
 Washington, DC 20515-4909



CUT ALONG THE DOTTED LINE, PLACE IN ENVELOPE, AND MAIL

OFFICE HOURS

Monday, June 22

8:30 a.m. Johnson Creek Village Hall
 9:15 a.m. Helenville Firehall
 10:00 a.m. Sullivan Village Hall
 10:45 a.m. Dousman Village Hall
 11:30 a.m. Wales Village Hall
 1:00 p.m. Palmyra Village Hall
 1:45 p.m. North Prairie Village Hall

Friday, June 26

8:30 a.m. Ixonia Town Hall
 9:15 a.m. Lebanon Town Hall
 10:00 a.m. Neosho Village Hall
 10:45 a.m. Iron Ridge Village Hall
 11:30 a.m. Hustisford Village Hall
 1:00 p.m. Clyman Village Hall
 1:45 p.m. Lowell Village Hall

2:30 p.m. Reeseville Village Hall
 3:15 p.m. Waterloo City Hall

Wednesday, July 1

8:30 a.m. Nashotah Village Hall
 9:15 a.m. Merton Village Hall
 10:00 a.m. Pewaukee Village Hall
 10:45 a.m. Sussex Village Hall
 12:15 p.m. Butler Village Hall
 1:00 p.m. Lannon Village Hall
 2:00 p.m. Slinger Village Hall
 2:45 p.m. Jackson Village Hall
 3:45 p.m. Newburg Village Hall

Thursday, July 2

8:30 a.m. Burnett Town Hall
 9:15 a.m. Waupun City Hall
 10:00 a.m. Brownsville Village Hall

10:45 a.m. Kekoskee Village Hall
 11:30 a.m. Lomira Village Hall
 1:00 p.m. Theresa Village Hall
 1:45 p.m. Kewaskum Village Hall
 2:45 p.m. Addison Town Hall
 3:30 p.m. Rubicon Town Hall
 4:15 p.m. Ashippun Town Hall

Monday, July 6

8:30 a.m. Howards Grove Village Hall
 9:15 a.m. Kohler Village Hall
 10:00 a.m. Oostburg Village Hall
 10:45 a.m. Adell Senior Center
 11:30 a.m. Random Lake Library
 1:00 p.m. Cedar Grove Library
 1:45 p.m. Belgium Village Hall
 2:30 p.m. Fredonia Village Hall
 3:15 p.m. Saukville Village Hall

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These common sense changes to copyright law were offered as an amendment to the Copyright Term Extension Act, H.R. 2589, which extends the term of copyright for twenty years. This bill provides an economic windfall to the entertainment industry by allowing it to commercially exploit copyrighted works for an additional twenty years before the works fall into the public domain.

Supporters of Fairness in Music Licensing contend this windfall ought to be balanced with the modest package of relief for small business embodied in the Sensenbrenner Amendment.

The legislation must now be taken up in the Senate, where its fate is uncertain. However, the overwhelming vote in the House dramatically improves its chances. ■

TOWN HALL MEETINGS

Sunday, June 21

7:00 p.m. Brookfield Safety Building
2100 Calhoun Rd.

Sunday, June 28

7:00 p.m. Mequon Safety Building
Buntrock and Mequon

Wednesday, July 1

7:00 p.m. Sheboygan Mead Library
710 N. 8th St.

Thursday, July 2

7:00 p.m. Jefferson City Hall
317 S. Main St.

Sunday, July 12

7:00 p.m. Hartford City Hall
109 N. Main St.

Sunday, July 19

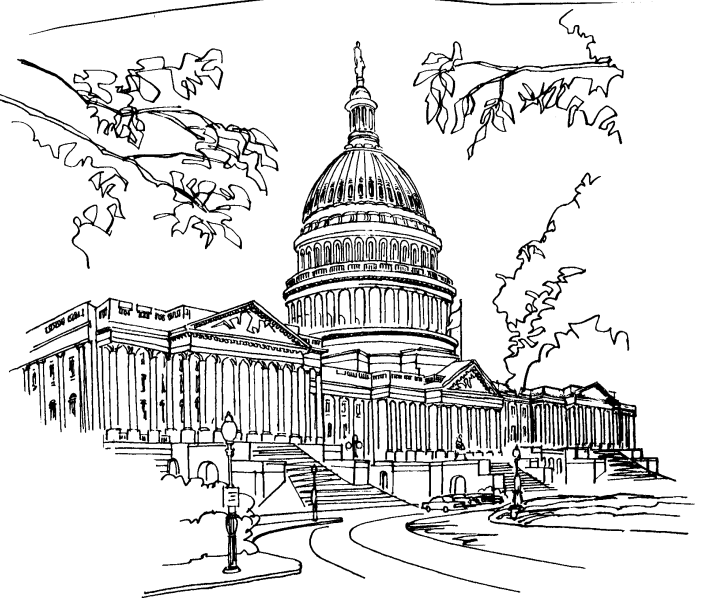
7:00 p.m. Beaver Dam City Hall
205 S. Lincoln Ave.

Sunday, July 26

7:00 p.m. West Bend City Hall
1115 S. Main St.

Sunday, August 2

7:00 p.m. Oconomowoc City Hall
174 E. Wisconsin Ave.



To write about issues
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To get help with
federal agencies,
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Washington, DC 20515
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E-Mail: sensen09@mail.house.gov

<http://www.house.gov/sensenbrenner/>

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Town Hall Meetings and Office Hours provide me the chance to hear your views on the issues before Congress or to help you with problems you may be experiencing in dealing with a federal agency. I look forward to seeing you at the next meeting nearest your home. Please contact my district office if you require special accommodations to attend.

Congressman

JIM

SENSENBRENNER



Congress of the United States
House of Representatives
Washington, DC 20515-4909

Official Business

M.C.
Bulk Rate



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